

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA**

## Alexandria Division

**Matthew L. Thacker,**  
**Plaintiff,**

**v.**

**Michael Breckon, et al.,  
Defendants.**

**1:20cv609 (LO/TCB)**

ORDER

Matthew L. Thacker, a Virginia inmate, proceeding pro se, has filed an amended complaint pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. [Dkt. No. 12]. Plaintiff applied to proceed in forma pauperis [Dkt. No. 3] and has consented, pursuant to 28 U.S.C. § 1915(b), to pay an initial sum followed by incremental payments until he has fully paid the \$350.00 filing fee. [Dkt. No. 13].

Plaintiff's institution of confinement has submitted information on plaintiff's inmate account that reveals, for the past six months, plaintiff had an average monthly deposit of \$30.00, an average monthly balance of \$7.00, and a balance of \$7.34 at the time of inquiry. [Dkt. No. 10]. Plaintiff will therefore be required to pay a partial filing fee of \$6.00, which is twenty percent (20%) of the greater of the average monthly deposits or balance for the six months preceding the filing of the underlying complaint. See 28 U.S.C. § 1915(b)(1). After submitting his initial filing fee, plaintiff will be required monthly to remit to the Clerk twenty percent (20%) of any income into the plaintiff's inmate account, if that income causes his inmate account balance to exceed \$10.00. 28 U.S.C. § 1915(b)(2). This requirement shall continue until the full filing fee has been paid, even after this civil action is resolved or dismissed.

Accordingly, it is hereby

ORDERED that plaintiff's application to proceed in forma pauperis [Dkt. No. 4] be and is GRANTED and plaintiff's amended complaint is deemed filed as of this date; and it is further

ORDERED that plaintiff's failure to leave twenty percent (20%) of his monthly deposits in his inmate account in accordance with the Consent Form constitutes cause for dismissal of this civil action; and it is further

ORDERED that plaintiff's failure to notify the Court immediately upon being transferred, released, or otherwise relocated, may result in the dismissal of this complaint pursuant to Fed. R. Civ. P. 41(b); and it is further

ORDERED that plaintiff's correctional institution send to the Clerk an initial filing fee of \$6.00, and thereafter submit twenty percent (20%) of plaintiff's preceding month's income any time his monthly account balance is at least \$10.00 until the full \$350.00 filing fee has been paid, and should plaintiff fail to keep twenty percent (20%) of his preceding month's income in his account, to complete the enclosed Report of Violation of the Consent Order and return it to this Court.

The Clerk is directed to send a copy of this Order to plaintiff; and a copy of this Order, the signed Consent Form [Dkt. No. 13], and the Report of Violation of the Consent Order to plaintiff's correctional institution.

Entered this 3<sup>rd</sup> day of Nov. 2020.

Alexandria, Virginia

/s/ [Signature]  
Liam O'Grady  
United States District Judge